

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AMERICE, INC., a division of the Perimeter
Group International, Inc.

Plaintiff,

(CV-02-5413)
(TCP)

- against -

SPLENDORS FOOD CORP.,
OMAR F. SHAH, RUKHSANA
FAROOQSHAH, and YAHYA F. SHAH,

MEMORANDUM
AND
ORDER

Defendant(s).

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PLATT, District Judge

On June 30, 2006, this Court granted a Motion made by Barr & Hass, LLP, and Keaton & Associates, P.C. to withdraw as counsel for Plaintiff, Americe, Inc. The Court granted the motion and instructed Plaintiff to obtain new counsel and notify the Court within thirty days of the Order. Because Plaintiff was not served with the Memorandum and Order until August 8, 2006, Plaintiff was given thirty days from the date of service to retain new counsel and notify the Court. Plaintiff has failed to do so.

It is well settled that “a corporation, which is an artificial entity . . . can only act through agents [and] cannot proceed pro se.” Jones v. Niagra Frontier Transp. Auth., 722 F.2d 20 (1983). Because Plaintiff, Americe Inc., is a Corporation, and has failed to comply with an Order of this Court, the Court sue

sponte dismisses the action with prejudice pursuant to Fed. R. Civ. P. 41(b).

SO ORDERED.

s/s Thomas C. Platt
Thomas C. Platt, U.S.D.J.

Dated: Central Islip, New York
November 8, 2006